

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

21 U.S.C. § 844(a)(Possession of a Controlled Substance)  
 (Class A Misdemeanor); 18 U.S.C. § 13, assimilating Cal.  
 Health & Safety Code § 11364(a)(Possession of Drug  
 Paraphernalia)(Class B Misdemeanor)

Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY: Maximum Prison Term of One Year  
 Maximum Fine of \$100,000  
 Mandatory Minimum Fine of \$1,000  
 Maximum Supervised Release Term of One Year  
 Special Assessment of \$25

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

United States Park Police, Department of Interior

person is awaiting trial in another Federal or State Court,  
 give name of court

this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

U.S. ATTORNEY  DEFENSE

this prosecution relates to a  
 pending case involving this same  
 defendant

prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person  
Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.  
Attorney (if assigned)WENDY M. THOMAS**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

**DEFENDANT - U.S.**

NICK J. WHITAKER

**DISTRICT COURT NUMBER**

CR 08 0184

DEFENDANT MAG

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior  
 summons was served on above charges

2)  Is a Fugitive3)  Is on Bail or Release from (show District)**IS IN CUSTODY**4)  On this charge5)  On another conviction

}  Federal  State

6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer  Yes  
 been filed?  No

} If "Yes"  
 give date  
 filed

DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
FILED  
MAR 24 AM 9:56  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICK J. WHITAKER,

Defendant.

No. 3:08-cr-00184

**MAG**  
VIOLATIONS: Title 21, United States Code  
Section 844(a) - Possession of a Controlled  
Substance (Class A Misdemeanor); Title 18,  
United States Code Section 13, Assimilating  
California Health and Safety Code Section  
11364(a) - Possession of Paraphernalia for  
Smoking Controlled Substance (Class B  
Misdemeanor)

SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges:

COUNT ONE: 21 U.S.C. § 844(a) - Possession of a Controlled Substance

On or about August 26, 2007, in the Northern District of California, the defendant,

NICK J. WHITAKER,

did knowingly and intentionally possess a controlled substance, to wit: lysergic acid diethylamide  
(LSD), in violation of Title 21, United States Code, Section 844(a), a Class A Misdemeanor.

//

INFORMATION

**1** COUNT TWO: 18 U.S.C. § 13, assimilating California Health and Safety Code § 11364(a) - Possession of Paraphernalia for Smoking Controlled Substance

3 On or about August 26, 2007, in the Northern District of California, within the boundaries of  
4 an area under the exclusive jurisdiction of the United States and administered by the Presidio  
5 Trust, the defendant,

6 NICK J. WHITAKER,  
7 did possess a device, contrivance, instrument, and paraphernalia used for unlawfully ingesting  
8 and smoking a controlled substance, to wit: a pipe used for smoking cocaine base, in violation of  
9 Title 18, United States Code, Section 13, assimilating California Health and Safety Code §  
10 11364(a), a Class B Misdemeanor.

12 DATED: March 24, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

~~KYLE F. WALDINGER~~  
~~Deputy Chief, Major Crimes Section~~

17 (Approved as to form:   
18 WENDY THOMAS  
Special Assistant United States Attorney